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SAMUEL I. ROSENMAN (1896-1973)
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October 4, 1993

William F. Caton, Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: FM Table of Allotments/
MM Docket No. 93-213
RM-7214, Menomonie, Wisconsin
RM-8351, Balsam Lake, Wisconsin

Dear Mr. Caton:

Enclosed herewith, on behalf of Yvonne L. Baum-Olson, are an original and four (4) copies of "REPLY COMMENTS OF YVONNE L. BAUM-OLSON".

Please direct all inquiries and communications concerning this matter to Howard J. Braun or the undersigned.

Sincerely,

Diane L. Mooney

Diane L. Mooney

Enclosures

cc: As on Certificate of Service (all w/enc.)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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MM Docket No. 93-213
RM-7214
RM-8351

REPLY COMMENTS OF YVONNE L. BAUM-OLSON

1. On September 17, 1993, Baum-Olson timely submitted her Counterproposal and Comments in opposition to the Notice of Proposed Rulemaking ("NPRM"), 8 FCC Rcd 4936 (MM Bur. 1993), in this proceeding. To summarize, Baum-Olson seeks the allotment of Channel 285C3 at Balsam Lake, Wisconsin, as that community's first local aural transmission service, instead Channel 285A at Menomonie, Wisconsin, as proposed by Jay Lellman ("Lellman") in the NPRM, which proposal would result in a fifth aural service at Menomonie. Baum-Olson restates and incorporates her Counterproposal and Comments herein by reference and reiterates her continuing intention to promptly file an FCC Form 301 application for Channel 285C3, if allotted at Balsam Lake, and to promptly build

the facilities upon authorization by the Commission.

2. The Commission's records reflect that no other comments and/or counterproposals were filed in this matter and that Lellman failed to restate any continuing interest whatsoever in applying for proposed Channel 285A at Menomonie. However, the NPRM herein specifically stated (at Appendix, para. 2) that,

"[T]he proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request." (Emphasis added.)

Lellman's unexplained, and improper, failure to file comments or to express any continuing interest in Channel 285A in conformance with the Commission's explicit directive clearly demonstrates his abandonment of the Menomonie proposal. In any event, Baum-Olson's Comments conclusively showed the superiority of her Counterproposal under established Commission allotment priorities requiring the allocation of a first local service at Balsam Lake. FM Channel Policies/Procedures, 90 FCC 2d 88, 51 RR 2d 807 (1982). Moreover, as shown in her Comments, Baum-Olson's proposal represents a maximized use of the electromagnetic spectrum compared to Lellman's proposal since a larger service area and more persons would be served, and Baum-Olson's proposal would result in unique FM service to an area that presently receives no such service at all. Accordingly, Lellman's proposal should be promptly denied and Baum-Olson's Counterproposal adopted.

WHEREFORE, in light of the foregoing, Baum-Olson respectfully requests the Commission to grant her Counterproposal, deny the

proposal of Lellman and amend the FM Table of Allotments to allocate Channel 285C3 at Balsam Lake.

Respectfully submitted,

YVONNE L. BAUM-OLSON



Howard J. Braun



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Her Attorneys

Dated: October 4, 1993

CERTIFICATE OF SERVICE

I, Debra A. Williams, a secretary in the law offices of Rosenman & Colin, do hereby certify that on this 4th day of October 1993, I have caused to be mailed, or hand-delivered, a copy of the foregoing "REPLY COMMENTS OF YVONNE L. BAUM-OLSON" to the following:

Michael C. Ruger, Chief*
Allocations Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
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Larry G. Fuss
P. O. Box 159
Fayetteville, Georgia 30214
COUNSULTANT FOR JAY LELLMAN


Debra A. Williams

***BY HAND**